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Testimony on SB 502
Senate Committee on Public Health, Human Services & Revenue
February 29, 2012

Good morning Chairman Galloway and members of the Committee. I am MaryAnn Lippert, Department of Children and Families Executive Assistant. Thank you for the opportunity to testify in support of Senate Bill 502, sponsored by Sen. Lazich, relating to case planning for a child in out-of-home care. This bill is also known as "Best Outcomes for Children."

The child welfare system in Wisconsin is state supervised but county operated, with the exception of Milwaukee County, which is operated by the Department's Bureau of Milwaukee Child Welfare. The Department of Children and Families (DCF) is responsible for providing statewide leadership and supervision of child welfare standards and practices, administering state and federal funds, and ensuring compliance with state and federal law.

In April 2010, Wisconsin's child welfare system participated in a Child and Family Services Review (CFSR), which is conducted by the U.S. Administration for Children and Families every five years. As part of this review, policy improvements were identified related to Wisconsin's child welfare case process and permanency planning practices.

In response to the CFSR, Wisconsin was required to develop a *Program Improvement Plan* (PIP) to address the policy improvements identified in the review. Noncompliance with the initiatives established in the state's PIP will lead to the withholding of federal funding.

SB 502 is necessary to implement the Department's PIP, as approved by the federal government, to ensure our continued eligibility for full federal funding. Enactment of this legislation will not only secure our federal funding but will also result in "Best Outcomes for Children":

- More children in out-of-home care returning home in a safe and timely manner;
- More children in out-of-home care finding loving, permanent homes in a timely manner;
- Reduce placements in foster care because children are placed with foster families who support reunification and relative placement but are prepared to be child's permanent family if reunification or relative placement efforts are not successful;
- Greater opportunities for cooperation and coordination between foster families and birth parents to meet the child's needs;

SB 502 addresses four key areas to bring Wisconsin law into conformity with nationally recognized best practice as identified in the PIP approved by the federal government:

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- Concurrent Planning
- Trial Reunification
- The use of Other Planned Permanent Living Arrangements (OPPLA)
- Integrated Case Plans

The bill proposes all changes to be effective November 1, 2012 to meet the timelines stipulated in the Department's PIP.

Next, I will address each of the four best practices included in the bill, using the following format for each: 1) a simple description of what it means; 2) current law; and 3) effect of the bill.

Concurrent Planning

- 1) Concurrent planning requires placement agencies, in certain circumstances, to work towards multiple permanency goals simultaneously instead of focusing on one goal at a time. For example, an agency might work towards family reunification while at the same time working on adoption options in the event that family reunification is unsuccessful.
- 2) Current law allows for this practice but does not provide a framework for when concurrent planning should be used and how courts or administrative review panels are to make determinations related to permanency goals established under concurrent planning.
- 3) This bill creates a definition of concurrent planning, establishes procedures for evaluating the use of concurrent planning, and identifies when concurrent planning should be used based on standards developed by DCF.

Trial Reunification

- 1) A trial reunification occurs when a child has been in an out-of-home care placement, but is placed in the home of the parents or other primary caregivers for a specified period of time for the purpose of determining the appropriateness of reunification. *So that case remain open & services are provided*
- 2) Current departmental policy sets standards for the trial reunification process, and there are federal laws regarding its use, but Wisconsin Statutes do not expressly authorize or establish a formal court procedure for trial reunification. Because the legal authority to use this option is not clear in the statutes, many Wisconsin courts (as well as child welfare agencies) are hesitant to use it, and many children are missing the opportunity to return home on a trial basis to determine if reunification can be successful.
- 3) This bill codifies the nationally recognized best practice of trial reunification and will enable the Department to meet the requirements of the PIP.

Other Planned Permanent Living Arrangements (OPPLA)

- 1) Other Planned Permanent Living Arrangements are placements other than reunification, adoption, or guardianship.

2) Currently, a child's permanency plan must identify a permanency goal to be achieved, including reunification, adoption, or guardianship. Furthermore, current law allows the use of sustaining care, independent living, or long-term foster care as viable permanency options.

3) This bill specifies five changes to OPPLA:

- Creates a separate subsection of the statutes to distinguish permanency goals (e.g., reunification, adoption or guardianship) from OPPLA.
- Allows agencies to continue to identify OPPLA as a permanency goal but only if there is a compelling reason to not choose another permanency goal.
- Eliminates independent living as an OPPLA permanency goal.
- Requires that if OPPLA is identified as a goal, the goal must include a permanent relationship with an adult.
- Requires that if OPPLA is identified as the permanency goal, then concurrent planning must be used to continue to pursue one of the other permanency goals.

Integrated Case Plans

1) The concept of an Integrated Case Plan is to combine multiple plans into one document.

2) Currently, agency staff members are required to complete numerous documents and plans to meet state and federal requirements. This has resulted in the same information being repeated among a variety of documents for the purpose of getting similar information to different audiences (e.g., families, courts, attorneys, etc). The Department's PIP committed the Department to integrate many of these plans into a single integrated "Case Plan."

3) The bill streamlines the case process through the use of an Integrated Case Plan and changes the phrases "permanency plan" and "treatment plan" throughout Chapter 48 and 938 to "case plan" to reflect updated policies.

In summary, the changes recommended in this bill are necessary for the Department to be able to move forward with the provisions in the PIP, as approved by the federal government. Compliance with this plan ensures our federal funding is not at risk. More importantly, the provisions of SB 502 provides statutory backing for nationally accepted best practices designed to provide the best outcomes for Wisconsin children in out-of-home care.

A technical amendment to this bill will be introduced with the intent to further streamline these processes. Thank you for the opportunity to appear before the committee. I am available to answer questions.